

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 4:00PM — Tuesday, March 8th, 2022

Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #12 — March 8th

At a regular meeting (#1) of the Board of Supervisors on Tuesday, March 8th at 4:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Carty Yowell, Vice-Chair
Charlotte Hoffman, Member
Dustin Dawson, Member
James Jewett, Member
Jonathon Weakley, County Administrator
Sean Gregg, County Attorney
Alan Berry, Deputy Clerk

ABSENT:

CALL TO ORDER, PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Chairman Jackson called the Board to order.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Chairman Jackson advised that a quorum was present.

The County Administrator advised the Board that their packet for the day contained an added attachment from Ms. Hoehn and Mr. Thornhill.

Supervisor Hoffman made a motion to approve the agenda as presented, seconded by Supervisor Yowell. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment.

With no public comment being brought forth, the public comment opportunity was closed.

CONSENT AGENDA

1. Approve: Minutes from 02/17/22
2. Approve: Minutes from 02/22/22
3. Approve: Minutes from 02/24/22

Supervisor Hoffman made a motion to approve the consent agenda as presented, seconded by Supervisor Dawson. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

SPECIAL APPEARANCES

4. Madison Day — Karen Coppage

Ms. Coppage was present and advised the Board of the upcoming Madison Day. They are looking to have around 14 projects and are currently in the planning stage. Asked the Board to waive the tipping and permit fees if there are any.

Supervisor Yowell made a motion to waive the tipping fees and any possible building permit fees for the Madison Day project, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

The County Administrator advised Ms. Coppage that the County could place a notice for Madison Day on the County's website.

Ms. Coppage informed the County Administrator that Madison Day had recently created their own website.

- *Supervisor Yowell: Asked Ms. Coppage if people could donate money to the project through their new website.*

Ms. Coppage responded that they could.

5. Updike: Transfer Station Fee Increases — Karl Thornhill

Karl Thornhill from Updike was present and advised the Board of the following:

- The tipping fee for disposal will be increasing (A 9% increase)
- The hauling / fuel fee will increase starting on the next bill (A 34% increase)

- *Supervisor Yowell: Asked Mr. Thornhill when the changes will take place.*

Mr. Thornhill replied that the tipping fee increase is for the month of April and the fuel increase will be shown on the next statement from the Transfer Station.

The County Administrator advised the Board that he had been working with Mr. Frazier, the County's Facilities and Maintenance Manager, to see how the County will be posting these changes at the landfill.

- *Supervisor Yowell: Asked Mr. Thornhill how the Board would know what the market-rates are for any increases using market-rate as a guideline.*

Mr. Thornhill responded that the verbiage in the contract about market-rates was placed there in case there was a desire to go back to single-stream versus that of source-separated; clarified that the recycling rate that Supervisor Yowell was referring to was not going to be increasing.

CONSTITUTIONAL OFFICERS, COUNTY DEPARTMENTS, COMMITTEES & ORGANIZATIONS

Sheriff: Erik Weaver was present and advised the Board that everything was good with the Sheriff's Department.

EMS: Noah Hillstrom was present and advised the Board of the following:

- EMS is now fully-staffed
 - 149 calls, 12 minutes average response time
 - Volunteer recruitment ongoing
 - Submitted grant that would help with capital
- *Chairman Jackson: Asked if EMS was still advertising.*

Mr. Hillstrom responded that they were still doing soft advertising.

Emergency Management: Gavin Helme was present and advised the Board of the following:

- Crisis training scheduled for March 29th
 - LEPC invitation has gone out; scheduled for March 25th
 - COVID-19 Emergency Action Plan is complete; to be presented at the LEPC meeting
 - Received Emergency Management Preparedness Grant for \$7,500 to be used for the trailer discussed at a previous meeting
- *Chairman Jackson: Asked how much the trailer would cost.*

Mr. Helme advised that, with the outfitting sought, the trailer would cost around \$11,000.

E-911: Brian Gordon was present and advised the Board of the following:

- Next-Gen 911 Project nearing completion
 - Hughes River Radio system on-going; on-going archaeological issues
- *Chairman Jackson: Asked Mr. Gordon when he expected construction to begin for the Hoover Ridge site.*

Mr. Gordon responded that he expected the second week of April at the latest, pending weather.

IT: Bruce Livingston was present and advised the Board of the following:

- He and Supervisor Jewett had toured the County's IT infrastructure recently
- Verizon coming to give a bid
- Continuing work on ERP and backups

Finance: Michele Thacker was present and advised the Board of the following:

- Still working on the budget
- Rolled out program for Amazon Business Prime with most department heads having signed up

Economic Development & Tourism: Tracey Gardner was present and advised the Board of the following:

- Still waiting for partner memo for VATI grant

- Next realtor roundtable meeting next week
- Poise & Polish going into building beside McDonalds
- Emmy Lous moving to where Mad Tack was
- Rocking Insurance also moving with Emmy Lou
- Orange-Madison Family Physicians open
- Social Media Training in April
- Attending Spring Conference
- Still have free websites available
- Website views jumped from 6,000 to 10,000

➤ *Supervisor Yowell: Asked what Brian did at the realtor roundtable.*

The County Administrator responded that Mr. Gordon was there to explain things such as 911 addresses for vacant lots to realtors.

➤ *Chairman Jackson: Asked if they were doing social media archiving like what they were doing with Parks & Rec.*

The County Administrator responded that they were still exploring options.

Parks & Recreation: Jerry Carpenter was present and advised the Board of the following:

- Summer camp registrations over with; 207 spots filled, 233 spots open
- Nerf wars next Saturday
- Record number for Spring sports
- Wine festival on April 23rd
- No Sheepdog Trials this year
- Tour de Madison May 21st
- Music in the Park on June 25th, July 23rd, and August 20th
- Hoover Ridge Park 20th Anniversary on July 31st
- Thanked Alan Berry for his work on the Conservation Grant for Hoover Ridge where Madison ranked second in the state

➤ *Chairman Jackson: Asked when the award of the grant was.*

Mr. Berry advised the Board that the grant had not officially been posted yet and that what had been submitted was a pre-proposal grant.

The County Administrator advised the Board of the RFP currently listed for Engineering Services that will close on March 17th; this process would need to be completed first to acquire and engineering estimation for the project.

OLD BUSINESS

6. Fire Department Funding Request

Mr. Gordon advised the Board that, due to the Fire Department having been very successful with donations, they were withdrawing their request of \$40,000 from the County.

7. Town UDA

The County Administrator advised the Board that the County Attorney had sent a letter requesting additional information from the Town Attorney and, as of the current meeting, had not yet received any correspondence back.

- *Chairman Jackson: Suggested that the Planning Commission go ahead and start looking into the matter without needing to wait for the Town to respond.*

The County Attorney advised that he had reached out to colleagues across the State and came to the conclusion that things may not be as simple as simply passing an ordinance.

The County Administrator advised that he would speak with the Chairman of the Planning Commission about taking up the UDA matter and doing some preliminary work on its addition into the County's Comprehensive Plan.

- *Supervisor Yowell: Commented that they would need to hear from the Town Attorney regarding what kind of time-frame the project is looking at.*

NEW BUSINESS

8. IDA Appointment — Pete Elliott

The County Administrator advised the Board of Mr. Elliott's application to fill the spot on the IDA following Mr. Graves' resignation.

Supervisor Hoffman made a motion to approve Pete Elliott's appointment to the IDA Board, seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

9. Darryl Whidby — Leathers Lane Maintenance Request

The County Administrator advised the Board of the maintenance requests by Mr. Whidby:

- Request 1: To lay sod up to the sides of the road with the cost to be incurred by the Whidby family; the start date would be 3-4 days after the approval
- Request 2: To place grade 57 stone gravel; time-frame would be around two weeks depending on weather and work schedule with the equipment being a York Rake and Yanmar Tractor. A local contractor would be hauling and spreading the gravel.

The County Administrator advised that pretty much all of the responses were not in favor of the proposal.

- *Chairman Jackson: Recommended that the Board not approve anything. Stated that options such as abandoning the road or bringing it up to VDOT standards has been brought to the Board's attention.*

The County Attorney advised the Board of the mechanism that may be used to bring the road up to VDOT standards. The windshield estimate for the update was around \$10,000,000-\$20,000,000. A special tax district could be utilized on the properties that adjoin / use the road to be put towards the project. The other option would be to abandon the road; this would allow neighbors to own up to the center-line of the road, but they would still be bound by the subdivision declaration made in 1971. The neighbors could also consider creating a homeowner's association.

- *Chairman Jackson: Commented on the issues between neighbors; asked the County Attorney what direction the neighbors could take civilly.*

The County Attorney responded that it would be determined whether or not it was a criminal or civil matter; each would go to a different court.

- *Supervisor Yowell: Asked if a road maintenance agreement would be an option for dealing with the road.*

The County Attorney responded that it would require unanimity and would most likely be part of a HOA if one were to be established.

Supervisor Hoffman made a motion to deny any requests of road improvement at this time, seconded by Supervisor Yowell. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).**

Charlotte Lenhoff: Stated that there was a maintenance plan; the Position Paper. Stated that everyone liked the Position Paper and that it works aside from 1 family.

Sherry Kirby: Agreed that the Position Paper worked and that it was a good thing; the only problem was that it was not followed by 1 person and that there were no consequences when it is not followed.

Charlotte Lenhoff: Agreed that there didn't seem to be any consequences when the Position Paper is not followed. Said that the problems continue due to a lack of punishment for offending parties.

Jessica Whidby: Said the road used to be quiet and that the County has documentation of when the problems started coming up and who they started coming up with. Stated that there were no complaints about her father before the road was ever brought before the County.

Darryl Whidby: Advised the Board of various complaints including trespassing and attempting to narrow their portion of the road. Asked if he would be allowed to lay down sod.

- *Chairman Jackson: Replied in the negative.*

Brian Lenhoff: Stated that it was frustrating that they had to go through this; advised that no one had trespassed on the Lot 20; the front of Lot 20 is part of the right-of-way. Stated that Mr. Whidby has not maintained the road by himself; others had participated before him.

Robin Hoehn: Proposed a more durable road surface; advised that the Lenhoffs and Kirbys had placed crush-and-run on their section of the previously and it has held up well. Would like to finish the rest of the road with crush-and-run or another durable surface.

Charlotte Lenhoff: Advised that the Whidby's property was behind the fence as seen in the picture included with the meeting packet; everything else up to the road was the right-of-way and belonged to the County. Stated that the sod is still sitting on County property. Also stated that the area that looks like dirt has gravel underneath and is part of the road. Asked the Board to follow through on the cease-and-desist and have Mr. Whidby remove the sod.

Jessica Whidby: Stated that they have photos of the road from 20 years ago and that the road is still in the same place it has always been. Also stated that the entire loop is County property and grass has been planted in the roadway, rocks have been laid in the road, and a fallen tree is blocking accessibility on a part of the road.

Charlotte Lenhoff: Stated that, according to GIS, the part of the road recently referred to is listed as a driveway instead of part of the road; similarly, the back area is not part of the road but is still the County's property.

- *Chairman Jackson: Asked the County Attorney if the area in question is still the County's property.*

The County Attorney responded that the land was indeed the County's property.

Charlotte Lenhoff: Stated that the tree had fallen due to an act of God and that the area is not meant for driving and is a walking area.

Darryl Whidby: Stated that he had gotten together with the original residents and had maintained the road as a single-lane road.

Chairman Jackson: Reiterated the refusal of the Board to support any maintenance requests at the moment and stated that, if the tree has fallen on County property, then people are free to walk around or under it as they please. Stated that the Board expected people to comply with their cease-and-desist letters. Said that he saw no reason to spend County funds on the road.

The County Attorney briefed the Board on consequences for not following the cease-and-desist letters sent by the Board. An ordinance could be passed with a fine schedule for incidents.

- *Supervisor Hoffman: Asked what the consequences are for not following the cease-and-desist letters.*

The County Attorney responded that, currently, there is no ordinance laying out a fine schedule.

The County Administrator advised that the most recent version of the County's position paper revoked any prior renditions.

INFORMATION & CORRESPONDENCE

10. Parking Issue with SNP

The County Administrator advised the Board that the Supervisor of the Park had reached out to him involving a letter received from several residents along Weakley Hollow. Stated that he will be working with a particular family that has some property to help with parking.

- *Supervisor Yowell: Commented that the issues of Berry Hollow are exacerbated by the current experiment of charging people to go up Old Rag.*

11. Town Parking Ordinance Request

The County Administrator advised of a public hearing scheduled for 7:00PM on March 22nd. Also advised of VDOT being scheduled on March 22nd to present the Secondary Six-Year Road Plan.

- *Chairman Jackson: Asked about the time-frame for the Road Plan.*

The County Administrator advised that the time-frame would be dependent on the Board with VDOT's suggestion being a public hearing on April 26th.

- *Chairman Jackson: Advised of a few other roads and the town of Madison that have been asked to be added to the Road Plan.*

PUBLIC COMMENT

Joe May: Asked when VDOT was going to be coming to the County.

The County Administrator replied that she would be coming on March 22nd.

CLOSED SESSION

Supervisor Yowell made a motion to convene in closed session pursuant to Virginia Code Sections:

- 2.2-3711(A)(1) for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and
- 2.2-3711(A)(3) for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract; and

- 2.2-3711(A)(7) for consideration with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation

Seconded by Supervisor Hoffman. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

Supervisor Yowell made a motion to re-convene in open session, seconded by Supervisor Hoffman. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

Supervisor Yowell made a motion to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1), 2.2-3711(A)(3), and 2.2-3711(A)(7) and that were identified in the motion to convene in closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

ADJOURN

With there being no further business to conduct, Supervisor Yowell made a motion to recess the meeting until 2:00PM on March 10th, 2022, in the Administration Building Auditorium, seconded by Supervisor Hoffman. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*